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Attorneys for Defendant Jeffrey Harrison

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JEFFREY HARRISON,  
  
Defendant.

Case No.: CR 07-0594 PJH

**STIPULATION AND [PROPOSED]  
ORDER FOR MODIFICATION TO  
BRIEFING SCHEDULE ON  
DEFENDANT'S MOTION TO SUPPRESS**

On January 8, 2008, the parties appeared before the Court to set a jury trial date as well as a briefing schedule and hearing date for Defendant's Motion to Suppress Evidence. The parties agreed on and the Court set this matter to begin a jury trial on April 14, 2008. As for the Motion to Suppress, the parties agreed on and the Court set the following dates:

Defendant's Motion to Suppress Evidence Filing Date - January 30, 2008

Government's Opposition Filing Date - February 13, 2008

Defendant's Reply Filing Date - February 20, 2008

Hearing on Defendant's Motion - March 5, 2008, at 2:30 p.m.

1 On January 29, 2008, defense counsel received seventy-five pages of new and  
2 additional discovery from the government including three reports by law enforcement  
3 personnel. Defense counsel requires time to consider whether this discovery affects the  
4 impending Motion to Suppress and respectfully requests an additional two days for the filing  
5 of the motion.  
6

7 Assistant United States Attorney Denise Barton does not object to a new briefing  
8 schedule.  
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10 At the January 8, 2008 calling of this case, the Court indicated that it would needed all  
11 briefs on the motion one week prior to the hearing. The new schedule still calls for briefing  
12 to be completed 12 days prior to the hearing. However, should the Court require additional  
13 time, the parties would be amenable to moving the hearing date from March 5, 2008 to  
14 accommodate the Court's schedule.  
15

16 The new briefing schedule would be as follows:

17 Defendant's Motion to Suppress Evidence Filing Date – February 1, 2008

18 Government's Opposition Filing Date - February 15, 2008

19 Defendant's Reply Filing Date - February 22, 2008

20 Hearing on Defendant's Motion - March 5, 2008, at 2:30 p.m.

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1 Finally, the parties represent that granting the continuance is necessary for effective  
2 preparation of counsel, taking into account the exercise of due diligence. See 18 U.S.C. §  
3 3161(h)(8)(B)(iv).  
4

5 /s/  
6 EDWIN K. PRATHER  
7 Clarence & Dyer LLP  
8 Attorneys for Jeffery Harrison  
9

9 /s/  
10 DENISE BARTON  
11 Assistant United States Attorney  
12

12 The Court hereby amends the Briefing Schedule set on January 8, 2008 in the manner set  
13 forth above. In addition, for the reasons stated above, the Court finds that the ends of justice  
14 served by the continuance outweigh the best interests of the public and the defendant in a speedy  
15 trial and that time should be excluded from the Speedy Trial Act calculations from January 30,  
16 2008 through February 1, 2008 for effective preparation of counsel. See 18 U.S.C. §3161  
17 (h)(8)(A). The failure to grant the requested continuance would deny counsel reasonable time  
18 necessary for effective preparation, taking into account the exercise of due diligence, and would  
19 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).  
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21 **IT IS SO ORDERED.**  
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23 Dated: January \_\_\_\_, 2008  
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24 PHYLLIS J. HAMILTON  
25 UNITED STATES DISTRICT COURT JUDGE  
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